

1 Ramsey M. Al-Salam, Bar No. 109506  
2 RAlsalam@perkinscoie.com  
Lane M. Polozola (*admitted pro hac vice*)  
3 LPolozola@perkinscoie.com  
PERKINS COIE LLP  
4 1201 Third Avenue, Suite 4900  
Seattle WA 98101  
Tel: 206-359-8000 / Fax: 206-359-9000

5 Aaron J. Ver, Bar No. 295409  
6 AVer@perkinscoie.com  
PERKINS COIE LLP  
7 505 Howard Street, Suite 1000  
San Francisco, CA 94105  
8 Tel: 415-344-7000 / Fax: 415-344-7050

9 *Attorneys for Defendant FISERV, INC.*

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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

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15 DR. LAKSHMI ARUNACHALAM,

Case No. 5:18-cv-1250-EJD

16 Plaintiff,

**DEFENDANT FISERV INC.'S OPPOSITION  
TO PLAINTIFF'S MOTION FOR  
ADMINISTRATIVE RELIEF UNDER LOCAL  
RULE 7.11 TO STAY THE CASE**

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v.

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APPLE INC., *et al.*,

Judge: Hon. Edward J. Davila

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Defendants.

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FISERV INC.'S OPPOSITION TO PLAINTIFF'S  
MOTION FOR ADMINISTRATIVE RELIEF  
CASE NO. 5:18-CV-1250-EJD

1           For the reasons already stated in the opposition briefs of Defendants JPMorgan (Dkt.  
 2 No. 205), Facebook (Dkt. No. 204), and Wells Fargo (Dkt. No. 203), Fiserv respectfully  
 3 opposes Plaintiff's "Motion for Administrative Relief Under Local Rule 7.11 to Stay the Case  
 4 Until the Ninth Circuit Rules on Writ of Mandamus to Disqualify Judge Davila, or in the  
 5 Alternative to Reassign the Case to Judge William Alsup." (Dkt. No. 200). There is no basis  
 6 to stay Plaintiff's case. Her motion raises merits arguments regarding *Fletcher v. Peck* and  
 7 "patent prosecution history estoppel," but offers no reason for delaying resolution of  
 8 Defendants' motions to dismiss pending appeal of the order denying disqualification. With  
 9 regard to which judge should preside over this case, Fiserv defers to the Court on the proper  
 10 assignment, but sees no valid basis for disqualification in Plaintiff's instant motion or any other  
 11 filing.

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13 DATED: May 31, 2018

**PERKINS COIE LLP**

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By: /s/ Lane M. Polozola  
 15 Ramsey M. Al-Salam, Bar No. 109506  
 16 RAlsalam@perkinscoie.com  
 17 Lane M. Polozola (*admitted pro hac vice*)  
 18 LPolozola@perkinscoie.com  
 Aaron J. Ver, Bar No. 295409  
 AVer@perkinscoie.com

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*Attorneys for Defendant FISERV, INC.*

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1                   **CERTIFICATE OF SERVICE**

2                   I hereby certify that on May 31, 2018, I electronically filed the foregoing document with  
3 the Clerk of the Court using the CM/ECF system, which will send notification of such filing to  
4 the plaintiff and all counsel of record for the parties.

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*/s/ Lane M. Polozola* \_\_\_\_\_  
Lane M. Polozola